

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application (CAW) No.2331 of 2016

In

Writ Petition No.2902 of 2016

(Nilesh s/o Dadarao Gaikwad and another v. Additional Commissioner,
Amravati Division, Amravati, and others)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri S.V. Sirpurkar, Advocate for Applicant/Respondent No.4.
Shri T.S. Kene, Advocate for Petitioners.
Shri B.M. Lonare, Assistant Government Pleader for Respondent
Nos.1 and 2.

Coram : R.K. Deshpande, J.

Date : 20th October, 2016

The Additional Collector as well as the Additional Commissioner both have disqualified the petitioners under Section 14(1)(h) of the Maharashtra Village Panchayats Act, 1959 on the ground that the petitioners have failed to pay the amount of tax within a period of ninety days from the date of service of notice. On the question of date of service of notice, there is a dispute. According to the record of the Gram Panchayat, the notice was served upon the father of the petitioner No.1 on 12-8-2015, whereas the factual position is that the father of the petitioner No.1 expired on 10-5-2015 and was no longer alive on the date of service of notice. Prima facie, there is nothing on record to indicate that the service was

effected upon the petitioners on 12-8-2015. There is no basis for the finding recorded by the Additional Commissioner that the service was effected upon the petitioners, which is contrary to the record of the Gram Panchayat.

In view of above, **Rule**, made returnable early.

The interim order passed by this Court to continue to operate.

Civil Application No.2331 of 2016 is dismissed.

Judge.

Lanjewar